

EDITORIALS

MEDICAL DEFENSE AND INDEMNITY DEFENSE

The Council on May 18th last, directed the secretary of the State Society to send postal questionnaires to members on the subject of Indemnity Defense. Three questions were asked, as follows:

1. Are you a member of the Indemnity Defense Fund?
2. Are you otherwise insured against malpractice?
3. If so, name of company or companies, with the amount in each company.

Three thousand four hundred and twenty-five cards were sent out and some of the replies received have occasioned this article.

The questionnaire was prompted by the desire of the Council to obtain data which would be of value in meeting adequately a question which merits earnest consideration by each of the society's members; namely, strengthening our organization to resist unmeritorious claims and suits.

These suits are increasing in number; a greater number of cases are being decided in favor of claimants, and the size of judgments rendered in these cases is becoming larger.

Some members of the society, despite the strongest evidence to the contrary, still seem to feel immune to this type of attack on their reputation and property. This fancied security frequently is lost under startling and disturbing circumstances. Our records show that these suits are brought against physicians in all kinds of practice, whether surgeons or not, and without any basis in scientific facts.

Some of the answers received to the questionnaire suggest the following statement: Any member of the society in good standing is entitled in any malpractice case, where his position is meritorious, to payment of all court costs and attorney's fees in his behalf. This protection, available to every member in good standing, is termed Medical Defense. If in such a case, a judgment for damages is obtained against a member, the member must pay such judgment himself; in other words, the society merely furnishes the attorney and pays court costs.

In order to provide for protection against possible adverse judgments, the society established the Indemnity Defense Fund in 1916. Any member in good standing can join this Fund on payment of \$15 in cash, and give his note for \$15 without interest, payable one year thereafter. In all malpractice claims or cases against a member of the Fund, the society pays all court costs, furnishes the attorneys, and in event of adverse judgment, pays such judgment up to the amount of \$5,000 in any one case.

As to malpractice claims and cases, therefore, the society affords two types of service to members; the first, Medical Defense, which includes court costs and attorney's fees, but does not take

care of adverse judgments; the second, Indemnity Defense, which includes the payment of all court costs and attorney's fees and any adverse judgment up to the sum of \$5,000.

Some of the members ask: "Do you advise me to carry insurance in addition to my membership in the Indemnity Defense Fund?" The council and officials of the State Society have taken a uniform stand on this question, which has been presented to members by letter and articles in the Journal heretofore. If a member has no insurance, he is advised to join the Fund; if he has insurance, he is advised to join the Fund. A member carrying insurance is advised not to drop it, but keep it in force for the reasons above stated. Verdicts in this type of case, when rendered, show a decided tendency to increase in size, typically in certain types of action. Of course, a great deal depends on the doctor's clientele, the character of work done by him, the number and reliability of assistants and numerous other phases, as to which we will be glad to advise any member who will write to this office in detail concerning it.

PROPAGANDA

The subtleties and finer points, as well as the curiously oblique ethics which form the basis of "propaganda" as distinguished from "advertising" on the one hand and "education" on the other hand, are perhaps the most confusing, least understood and yet one of the most important subjects before the public. Propaganda by the ton is being fed to the public daily everywhere, disguised as "news," "education" or "informative publicity."

Physicians should study the subject seriously in their own interests and more particularly in the interests of their friends and patients. This because the broad field of public health and medicine is proving one of the most profitable for "propagandists" who are succeeding to a degree in many instances and by various means in "educating" not only the public, but some physicians in health movements, methods and procedures.

Our mail contains many inquiries from physicians as to the merit of this or that welfare organization, new (?) suggestions, methods or what not. In most of these instances a little investigation and serious thought would have uncovered the truth.

Recently the North American Review published a series of three articles upon this subject and E. K. Strong has a splendid article in the last issue of the Scientific Monthly. Strong says:

"The word 'propaganda' means essentially the spread of a particular doctrine or a system of principles, especially when there is an organization or general plan back of the movement. Propaganda differs from 'education,' with which it is purposely confused, in that in the case of the former the aim is to spread one doctrine, whereas in the case of the latter the aim is to extend a knowledge of the facts as far as known.

"Advertising men have never been able to agree on a definition of 'advertising' and I should not want to attempt here what they have failed to do. But I think we can distinguish between advertising and propaganda by saying that advertising is usually concerned with making known and desirable a definite commodity or service with the definite

aim of leading many individuals, as such, to acquire the commodity or service. Propaganda includes many types of advertising, but it is mainly concerned with the subtle presentation to the public of information so chosen and so focused that among many individuals there develops a general 'point of view' which is favorable to the aim of the propagandist and leads to action in that general direction. A further distinction between these two methods of influencing people pertains to the methods employed rather than the object. The advertiser buys space upon which appears his message, and the reader knows it as a paid advertisement. The propagandist may advertise, but he especially aims to employ space he did not buy, at least directly, and not to permit the reader to know that the material is propaganda. He believes his material will have greater effect when its source is unknown.

"We are so accustomed to our political machinery that we do not often stop and ask ourselves whether it is geared up so as to serve society in the best way. Only when some enthusiastic social uplifter boasts that she and four others alone put a measure through a state legislature by the use of skillful lobbying, or a secretary of a business man's organization calmly announces months in advance that Congress will do away with a bureau because his organization is demanding such action, and his prophecy comes true, does one wonder whether some sort of control of propaganda would not be worth while even here. And one waxes quite indignant, as did a former Secretary of War, when he comes to realize that much of the propaganda for bringing back the bodies of our dead soldiers was instigated by the journal of the undertakers and casket makers."

He concludes:

"As far as I can see, society has reached the point in its development when it must take motives into account, because man has now learned how to arouse motives to action in an economical and wholesale way. And in regulating motives society must come to evaluate the sentiments that propaganda is aimed to create, and to regulate in some way the use of phrases arousing emotions as distinguished from phrases appealing to rational consideration. Without control in some way of the emotional element in propaganda, legal action will never stop the most dangerous of propaganda which arouses a sentiment first of all and then at the proper moment in one fell swoop precipitates that sentiment into action."

It would be well for physicians as guardians of public and personal health to establish the habit of critical reflection and make a point of fair interpretation for their patients of much that now appears in print as "education," "public health and medicine information." The subjects discussed include practically the entire field of medicine and public health and there is usually a motive and an interested organization just beneath the surface.

VITAMINS

Vitamins should be purchased from the market, the grocery and the dairy instead of the drug store.

Some pharmaceutical houses are spending a great deal of money in efforts to induce physicians to prescribe vitamins. Patent medicine vendors and a host of other quack concerns are spending huge amounts of money in an attempt to "educate" (?) the public as to the great value of vitamins, and, of course, the product offered by each advertiser is the only one that contains the real Simon-pure, life-giving "A" "B" and "C" vitamins.

It is the duty of physicians to inform their

patients and it is the duty of the medical profession to inform the general public that the best and most useful and all that is necessary of vitamins can be purchased for a few cents a day from the dairy and the market. Furthermore, it is our duty to tell the public that some of the most extensively advertised and used of these products have not sufficient vitamin "C" to protect guinea pigs from scurvy when given in doses recommended as sure protection for children.

In fact, except under certain special conditions, which can be appreciated only by the educated physician, there is no excuse, except one of financial profit for soul-scarred commercialists, for creating a demand for these products.

HOSPITAL BETTERMENT WEEK IN CALIFORNIA—SECOND ANNUAL CONVENTION OF THE HOSPITALS OF CALIFORNIA.

(Held Under the Auspices of the League for the Conservation of Public Health, Maryland Hotel, Pasadena, September 5, 6, 7, 8, 1922.)

A real post-graduate week of study and instruction in hospital betterment; a program of constructive discussion, question and answer conference, and application for all people interested in any phase of hospital betterment.

During the same week, there will be meetings of the Council of the Medical Society of the State of California; of the Council and officers of the State Society with the officers of County Medical Societies from all parts of the State; and of the Program Committee of the State Medical Society, including the section officers of all sections of the State Medical Society. There will be exhibits, scientific, technical and commercial, showing the best in professional and technical service in California hospitals, as well as the best in equipment, furnishing and supplies.

A strong committee from Southern California, under the chairmanship of Dr. Charles D. Lockwood, is arranging an interesting and attractive social and recreational program. Headquarters will be at the Maryland Hotel, Pasadena. This hotel, as well as others in Pasadena and Los Angeles, have made exceedingly satisfactory American plan rates. The social and get-together features of this convention, as well as the serious sessions, will be very attractive.

Every hospital in California, regardless of its ownership, method of management, whether it is general, special or private, is invited and urged to send as many people as possible to the convention. Each hospital, regardless of its size and character, is entitled to delegates as follows: One representing each of the following: Ownership, directorate, administration, staff, nursing and all other professional and technical departments.

For hotel reservations, address Mr. H. M. Nickerson, resident manager, Maryland Hotel, Pasadena.

For any problem of any kind pertaining to the convention, address Dr. Charles D. Lockwood, chairman Committee of Arrangements, 295 Markham Place, Pasadena, or Dr. W. E. Musgrave, chairman of the Section on Medical Economics, Education and Hospitals, 806 Balboa Building, San Francisco.

SYNOPSIS OF PROGRAM

All meetings will be held in the Maryland Hotel, Pasadena.

First Meeting—Tuesday, September 5, 10 to 12:30.

This meeting will be devoted to special informative 10-minute lectures of vital interest to everybody.

Second Meeting—Tuesday, September 5, 2:30 to 5 p. m.

This meeting will be given over to general consideration of common hospital problems; four speakers,